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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

SALLEY PURSER, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JOSEF BOEHM, ET AL., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No.: 3:05-CV-085 JKS

**AFFIDAVIT OF MAX D. GARNER**

STATE OF ALASKA )  
 ) ss:  
Third Judicial District )

I, Max D. Garner, being first duly sworn, depose and state as follows:

1. I am attorney of record for Alaska Industrial Hardware ("AIH"), and make this affidavit in support of AIH's Motion to Quash Subpoenaes.

2. On June 27, 2007, I wrote a letter to Darryl Jones after he failed to return telephone messages that I left with his secretary. In that letter, I asked him to contact me so that we could discuss ways of limiting the scope and breadth of the subpoenaes that he had caused to be served on current AIH employees Terry Shurtleff and Mike Kangas.

3. I have never received a return telephone call or letter from Mr. Jones in response to that letter. The only communication that my office had with Mr. Jones' office were two telephone calls that my secretary received on July 2, 2007, in which a person believed to be a paralegal with Mr. Jones' office stated in a rude and brusque manner that AIH was obligated by the federal rules and past court orders to comply with the subpoenas and that AIH had no right to challenge the scope or validity of the subpoenas. I have not returned that telephone call since I find discussions with overly-aggressive paralegals who are unfamiliar with the procedures for challenging subpoenas to be a waste of time. I cannot offer any explanation as to why Mr. Jones has not replied to my voice mail messages or my letter of June 27, 2007.

FURTHER AFFIANT SAYETH NAUGHT.

/s/ Max D. Garner  
Max D. Garner

SUBSCRIBED AND SWORN to before me, this 5th day of July, 2007.

/s/ Martha K. Marshall  
Notary Public for Alaska  
My Commission expires: 03/23/08

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 5th day of July, 2007, a true and correct copy of the foregoing document was electronically served on the following parties:

Mr. Darryl L. Jones  
Attorney at Law  
905 Photo Avenue  
Anchorage, AK 99503

BIRCH, HORTON, BITTNER AND CHEROT

By: /s/ Martha K. Marshall

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